

A RESOLUTION

15-513

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2004

To confirm the appointment of Mr. Richard H. Levy to the District of Columbia Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Library Trustees Richard H. Levy Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Richard H. Levy  
2808 P Street, N.W.  
Washington, D.C. 20007  
(Ward 2)

as a member of the District of Columbia Board of Library Trustees, established by section 4 of the An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), replacing Michael Scott Carowitz, whose term ended January 5, 2004, for a term to end January 5, 2009.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-514

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2004

To declare the sense of the Council in opposition to amending the Constitution of the United States for the purpose of defining marriage.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Opposing a Constitutional Marriage Amendment Resolution of 2004".

Sec. 2. The Council finds that:

(1) On February 24, 2004, President George W. Bush announced his support for an amendment to the United States Constitution that would attempt to define marriage as a union of a man and a woman.

(2) The Constitution is a sacred covenant that serves to preserve and protect our fundamental freedoms. It has only been amended 17 times since the Bill of Rights was ratified in 1791. Those amendments have overwhelmingly been used to expand rights, not to discriminate.

(3) A Constitutional marriage amendment represents a profound and regrettable departure from the principle of equal protection under the law, for such an amendment directly excludes lesbian and gay Americans from the privileges of marriage and its legal incidents.

(4) The Government of the District of Columbia has a longstanding legacy of providing equal protection to all of our residents, regardless of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, place of residence, or business.

(5) The District of Columbia is one of a few communities that maintains a domestic partner registration program, allowing lesbian and gay couples to register as domestic partners. As such, the District of Columbia has been a pioneering community in the recognition of the civil rights of lesbian, gay, bisexual, and transgendered residents.

(6) The District of Columbia's domestic partnership law could be imperiled by a broad, discriminatory Constitutional amendment that defines marriage as a union of a man and a woman.

(7) Historically, states have exercised exclusive authority over the manner in which marriage is defined.

(8) The First Amendment of the Constitution guarantees that no church, synagogue, mosque, or other religious congregation or association can be compelled to perform or grant marriages to persons of the same sex.

Sec. 3. It is the sense of the Council that the authority to define marriage should be left to individual states, including the District of Columbia. The Council is opposed to amending the Constitution of the United States to discriminate against lesbian and gay citizens by excluding them from equal marriage rights under all state and federal laws.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the President of the United States, the President Pro-Tempore of the United States Senate, the Speaker of the United States House of Representatives, and to the Delegate for the District of Columbia.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## A RESOLUTION

15-515

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2004

To declare the existence of an emergency with respect to the need to address the prevalent and blatant use of counterfeit, stolen, or otherwise fraudulent motor vehicle temporary identification tags by providing for the suspension or revocation of a registration issued to an owner or dealer who provides or obtains a counterfeit, stolen, or otherwise fraudulent temporary identification tag, for the forfeiture of a motor vehicle knowingly used with a counterfeit, stolen, or otherwise fraudulent temporary identification tag, for an increase in the maximum fine for motor vehicle registration violations from \$300 to \$1000, and to provide due process protection to a person claiming an interest in a motor vehicle seized or forfeited.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Emergency Amendment Declaration Resolution of 2004".

Sec. 2. (a) There exists an ongoing serious problem of individuals providing or using counterfeit, stolen, or otherwise fraudulent temporary identification tags on motor vehicles being driven in the District.

(b) The purpose in using a fraudulent temporary tag is often to avoid obtaining automobile insurance, paying fines and other debts owed to the District, or to prevent the police from tracing a motor vehicle used in criminal activity to its owner.

(c) The prevalent use of fraudulent temporary tags hinders law enforcement in the investigation of crimes and in the apprehension of law breakers, increases the number of uninsured motorists in the District, and of uninspected vehicles, all of which pose threats to public safety.

(d) The prevalence of this problem also has a negative fiscal impact in that it robs the District of revenue that would otherwise be realized from registration fees.

(e) In order to deter individuals from this unlawful behavior and to protect the public and aid law enforcement, it is of vital importance that increased penalties for the use of fraudulent temporary identification tags and other motor vehicle registration violations be established immediately.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-516

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2004

To declare the existence of an emergency with respect to the need to exempt a subsidiary of the Shakespeare Theatre from real estate, personal property, and sales taxes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lot 878, Square 456 Tax Exemption Clarification Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) The Council has previously passed D.C. Law 14-234, the Square 456 Payment In Lieu of Taxes Act of 2002, which granted property tax relief to the new facility being constructed by the Shakespeare Theatre on G Street, N.W.

(2) Specific legislation was necessary because the theater will reside in a larger building which is not otherwise tax exempt. The property tax relief granted was only to that part of the building owned and used by the Shakespeare Theatre.

(3) The financial markets and other third parties will require the owner of the property to develop and construct the center through a bankruptcy-remote entity; that is, a wholly owned subsidiary of the Shakespeare Theatre that has no business activities other than the development, construction, and operation of the new center.

(4) This is a standard commercial practice in substantial real estate development projects.

(5) Since D.C. Law 14-234 and the underlying District of Columbia Official Code do not grant the tax exemption to the planned wholly owned subsidiary of the Shakespeare Theatre, the underlying emergency legislation is warranted to give the tax exemptions to the subsidiary and allow this project to move forward on finalizing its financing in the next few weeks. The theatre also intends to break ground on the project shortly thereafter.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Lot 878, Square 456 Tax Exemption Clarification Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

15-517

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2004

To declare the existence of an emergency with respect to the need to modify and provide for the effective administration of the lower income, long-term homeowner tax credit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Low-Income, Long-Term Homeowner Credit Administration Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

- (1) Title IV of the Housing Act of 2002 contained a credit for low-income homeowners who have lived in their homes more than 7 years as a measure to relieve rising property taxes.
- (2) This credit is a credit on their income taxes for property taxes in excess of 5% of the previous year's property tax.
- (3) The Chief Financial Officer has suggested the changes in the underlying emergency legislation to clarify that this credit is a refundable credit on residents' income tax returns.
- (4) Since this change impacts the processing of tax year 2003 tax returns, which are due April 15<sup>th</sup>, this change is necessary in order for the Office of Tax and Revenue to timely process tax year 2003 returns containing this credit.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Lower Income, Long-Term Homeowner Credit Administration Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-518

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2004

To declare the existence of an emergency with respect to the need to authorize the District of Columbia Board of Education to implement a retirement incentive program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Teacher Retirement Incentive Program Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(a) The District of Columbia Board of Education ("Board") has determined that in order to meet spending limitations for Fiscal Year 2004, a number of school-based and central office employee positions must be abolished at the close of the 2003-2004 School Year in June 2004.

(b) As of May 14, 2004, at least 1,200 teachers and administrators will be eligible for regular retirement based upon age and years of service.

(c) The Board has also determined that providing a financial incentive for a limited number of teachers and administrators who are eligible for retirement will prompt more teachers and administrators to take advantage of their current eligibility and retire after the close of the 2003-2004 School Year.

(d) The Council enacted the February Priority Spending Emergency Act of 2004, effective February 27, 2004 (D.C. Act 15-387; 51 DCR 2830), approving the expenditure of up to \$5 million by the District of Columbia Public Schools for the Teacher Buyout Incentive Program.

(e) Unless legislative action is taken immediately to provide a retirement incentive for a limited number of teachers and administrators, the Board will be forced to engage in a more extensive abolishment of school-based positions at the end of the 2003-2004 School Year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Teacher Retirement Incentive Program Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.